



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

10:00 A.M.

THURSDAY, February 17, 2005

The Senate met.

The Senate was called to order by Chief Clerk Marchant pursuant to Senate Rule 5 (4)(b).

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Wednesday, February 15, 2005.

Read first time and referred.

Senate Bill 64

Relating to: decreasing an appropriation of general purpose revenues for the Badger Care health care program; increasing an appropriation of general purpose revenues for prescription drug assistance; increasing an appropriation of general purpose revenues for Medical Assistance; transferring moneys from the general fund to the Medical Assistance trust fund; required general fund statutory balance; and making an appropriation.

By Senator S. Fitzgerald; cosponsored by Representative Kaufert.

To joint committee on **Finance**.

The Chief Clerk makes the following entries under the above date.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 3

Relating to: Black History Month and honoring Company F of the 29th USCT.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 65

Relating to: the capital gains income tax exclusion.

By Senators Kanavas, Darling, Zien, A. Lasee, Leibham, Roessler, Lazich and Kedzie; cosponsored by Representatives J. Fitzgerald, LeMahieu, Pettis, Suder, Nischke, Krawczyk, Towns, Hahn, Hines, Freese, Vos, Jensen, Bies, Owens, Nass, Petrowski, Mursau, Jeskewitz, Gunderson, McCormick, F. Lasee, Albers and Stone.

To joint survey committee on **Tax Exemptions**.

Senate Bill 66

Relating to: the color of clothing worn during a firearm deer hunting season.

By Senators Leibham, A. Lasee and Reynolds; cosponsored by Representatives Gunderson, Kestell, Kreibich, F. Lasee, Petrowski, Lehman, LeMahieu, Krawczyk, Stone and Hines.

To committee on **Natural Resources and Transportation**.

Senate Bill 67

Relating to: removal of abandoned dams.

By Senators Leibham, A. Lasee, Reynolds, Olsen and Grothman; cosponsored by Representatives Kestell, Pridemore, Lothian, Ott, LeMahieu, Hahn, F. Lasee, Petrowski, Hines and Vrakas.

To committee on **Natural Resources and Transportation**.

Senate Bill 68

Relating to: supplementing special education funding with lapsed student achievement guarantee contract moneys and making an appropriation.

By Senators Olsen, Kapanke, Darling and Kanavas; cosponsored by Representatives Towns, Davis, Ainsworth, Wood, Nischke, Kerkman, Gielow, LeMahieu, Musser, Hines, Bies, Hahn, Petrowski, Van Roy, Jeskewitz, Underheim, Albers, Pridemore, Kestell, Gunderson, Hundertmark, Ott and Vukmir.

To committee on **Education**.

Senate Bill 69

Relating to: an income tax and franchise tax credit for training apprentices.

By Senators Grothman, Roessler and Kanavas; cosponsored by Representatives Loeffelholz, Gronemus, Ainsworth, Kerkman, Van Roy, Albers, Fields, Freese, Jensen, Townsend, Ott, Vos, Jeskewitz, Gunderson, Pettis and Davis.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

Senate Bill 70

Relating to: evidence of lay and expert witnesses.

By Senators Kanavas, Stepp, Olsen and Brown; cosponsored by Representatives Suder, Townsend, Hahn, Bies, Jensen, Hines, Van Roy, Gunderson, Ott, Albers, Hundertmark, F. Lasee, Davis, Kreibich and Lamb.

To committee on **Judiciary, Corrections and Privacy**.

REPORT OF COMMITTEES

The committee on **Education** reports and recommends:

Senate Bill 8

Relating to: prohibiting the Department of Public Instruction from selecting pupils for the Milwaukee Parental Choice Program on a random basis.

No recommendation pursuant to s. [227.19 \(6\)\(b\)](#), Wisconsin Statutes.

LUTHER OLSEN
Chairperson

The joint committee on **Finance** reports and recommends:

Senate Bill 42

Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

Introduction and adoption of Senate Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Colon and Pocan.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 13 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 3 – Senator Taylor. Representatives Colon and Pocan.

Introduction and adoption of Senate Amendment 3.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Colon and Pocan.

Noes, 0 – None.

Report Passage as amended with emergency statement (s. [16.47](#), Wisconsin Statutes).

Ayes, 12 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 4 – Senators Decker and Taylor. Representatives Colon and Pocan.

Senate Bill 64

Relating to: decreasing an appropriation of general purpose revenues for the Badger Care health care program; increasing an appropriation of general purpose revenues for prescription drug assistance; increasing an appropriation of general purpose revenues for Medical Assistance; transferring moneys from the general fund to the Medical Assistance trust fund; required general fund statutory balance; and making an appropriation.

Introduction and adoption of Senate Amendment 1.

Ayes, 15 – Senators S. Fitzgerald, Lazich, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Colon and Pocan.

Noes, 1 – Senator Darling.

Report Passage as amended with emergency statement (s. [16.47](#), Wisconsin Statutes).

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Colon and Pocan.

Noes, 0 – None.

SCOTT FITZGERALD
Senate Chairperson

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

Senate Bill 11

Relating to: an overtime pay exemption for providers of companionship services.

No recommendation pursuant to s. [227.19 \(6\)\(b\)](#), Wisconsin Statutes.

CAROL ROESSLER
Chairperson

The committee on **Labor and Election Process Reform** reports and recommends:

Senate Bill 12

Relating to: the state minimum wage.

No recommendation pursuant to s. [227.19 \(6\)\(b\)](#), Wisconsin Statutes.

THOMAS REYNOLDS
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Governor

February 14, 2005

The Honorable, The Senate:

Please withdraw the nomination of Jeffrey Knaus to the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors.

Sincerely,

JIM DOYLE
Governor

State of Wisconsin
Department of Workforce Development

February 17, 2005

The Honorable, The Senate:

Pursuant to s. [109.12\(2\)](#) and [\(3\)](#), Wis. Stats., I hereby submit the Department of Workforce Development's (DWD) 2002 annual report on the administration and enforcement of s. [109.07](#) and [109.075](#), Wis. Stats. The report contains three sections. The first section lists all employers in 2002 that notified DWD of business closings and mass layoffs planned in Wisconsin. The second section of the report lists employers against whom DWD has received business closing or mass layoff notification complaints and the current status or outcome of those complaints. The third section of the report lists employers against whom DWD has received healthcare cessation notification complaints, DWD's actions and the current status or outcome of those complaints.

Business Closing or Mass Layoff Notifications:

On January 1st, 2004 the department had 27 business closing or mass layoff cases pending either within the department [DWD] or at the Department of Justice [DOJ]. Since January 1st, 2004 nine of those cases have been settled. Six cases have been found dismissed with a finding the complaint was invalid. One case has been dismissed because the employer was insolvent. The remaining eleven cases remain with the DOJ in various stages of litigation.

During 2004 and thus far in 2005 the department has received 24 new cases. One of these cases has been settled. One case has been dismissed due to the insolvency of the employer. Ten complaints were found to be invalid and dismissed. The remaining twelve complaints remain under investigation at this time.

Overall in 2004 the department collected more than \$5.85 million in increased wages for more than 1100 employees due

to a combination of employers' failures to provide employees with advance notices of business closures and unpaid final wages for these employees.

Healthcare Plan Cessation Notifications:

On January 1st, 2004 there were six healthcare plan cessation cases pending either at DWD or DOJ. Since then one of these cases has been settled, one case closed because the wages involved were uncollectible and one case closed because the complaint was invalid. The three remaining cases are currently involved in litigation by DOJ.

In 2004 five new complaints were filed with DWD. One of these cases has been settled with approximately \$1,000,000 being paid to 230 former workers [this settlement was both a business closing and healthcare plan cessation settlement]. In one case DWD's investigation found no violation and dismissed the case. The remaining three cases are under investigation at this time.

If you have any questions regarding the information contained in this report please contact Lucia Nunez, Administrator of the Equal Rights Division, at (608) 266-0946.

Sincerely,

ROBERTA GASSMAN
Secretary

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

February 14, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAMS, JAY, of Mequon, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2007.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Job Creation, Economic Development and Consumer Affairs.**

**State of Wisconsin
Office of the Governor**

February 15, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BOHACEK, LINDA, of Eau Claire, as a member of the Dentistry Examining Board, for the term ending July 1, 2008.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Health, Children, Families, Aging and Long Term Care.**

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 04-073

Relating to charitable gaming and crane games.

Submitted by Department of Administration.

Report received from Agency, February 15, 2005.

Referred to committee on **Judiciary, Corrections and Privacy**, February 17, 2005.

Senate Clearinghouse Rule 04-097

Relating to criminal background investigations and fingerprinting of applicants.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 16, 2005.

Referred to committee on **Labor and Election Process Reform**, February 17, 2005.

Senate Clearinghouse Rule 05-007

Relating to the adjustment of thresholds for application of prevailing wage rates.

Submitted by Department of Workforce Development .

Report received from Agency, February 16, 2005.

Referred to committee on **Labor and Election Process Reform**, February 17, 2005.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 5

Assembly Bill 58

Assembly Bill 102

Adopted and asks concurrence in:

Assembly Joint Resolution 11

Assembly Joint Resolution 14

Concurred in:

Senate Joint Resolution 2

Senate Joint Resolution 4

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 5

Relating to: health benefit purchasing cooperatives.

By Representatives Gielow, Davis, Gard, Loeffelholz, Ott, Ainsworth, Albers, Freese, Friske, Gronemus, Gunderson, Hahn, Hines, Hubler, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Krawczyk, LeMahieu, Lothian, McCormick, Meyer, Musser, Nass, Nelson, Nerison, Nischke, Pettis, Stone, Strachota, Towns, Underheim, Van Roy, Vos, Vrakas, Vukmir and M. Williams; cosponsored by Senators Harsdorf, Darling, Brown, Grothman, Hansen, Jauch, Lassa, Miller and Stepp.

Read first time and referred to committee on **Agriculture and Insurance.**

Assembly Bill 58

Relating to: school district revenue limits and levy limits for cities, villages, towns, counties, and technical college districts.

By Representatives Honadel, Suder, Bies, Davis, J. Fitzgerald, Freese, Friske, Gard, Gunderson, Hines,

Hundertmark, Huebsch, Jensen, Kaufert, Lamb, F. Lasee, LeMahieu, McCormick, Meyer, Montgomery, Moulton, Nass, Nerison, Nischke, Owens, Pettis, Stone, Strachota, Townsend, Van Roy, Vos, Vrakas, Vukmir, M. Williams, Wood, Gundrum, Kleefisch and Pridemore; cosponsored by Senators Kanavas, S. Fitzgerald, Stepp, Kedzie, Leibham, Darling, Brown, Reynolds, Roessler, Zien, Lazich and A. Lasee.

Read first time and referred to committee on **Senate Organization**.

Assembly Bill 102

Relating to: decreasing an appropriation of general purpose revenues for the Badger Care health care program; increasing an appropriation of general purpose revenues for prescription drug assistance; increasing an appropriation of general purpose revenues for Medical Assistance; transferring moneys from the general fund to the Medical Assistance trust fund; required general fund statutory balance; and making an appropriation.

By Representative Kaufert; cosponsored by Senator S. Fitzgerald.

Read first time and referred to committee on **Senate Organization**.

Assembly Joint Resolution 11

Relating to: celebrating March 1, 2005, as St. David's Day.

By Representatives Owens, Cullen, Gronemus, Hahn, Hines, Krawczyk, Petrowski, Townsend, Van Roy and Vrakas; cosponsored by Senators Roessler and Wirch.

Read and referred to committee on **Senate Organization**.

Assembly Joint Resolution 14

Relating to: the military service of Pvt. 1st Class James Anagnostopoulos.

By Representative Hines.

Read and referred to committee on **Senate Organization**.

ADJOURNMENT

Chief Clerk Marchant, with unanimous consent, asked that the Senate adjourn until Tuesday, at 10:00 A.M.

Adjourned.

10:01 A.M.